

REMARKS

1. In the above referenced Office Action, the Examiner rejected claims 14, 35 and 54 under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872); and claims 15-17, 36-38 and 55-57 54 under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872) and further in view of Ellis (US 2007/0124763).

Claims 14, 16-17, 35, 37-38, and 54, 56-57 are currently pending in this application. Claims 14, 35 and 54 have been amended. Claims 15, 36 and 55 have been canceled without prejudice. The rejections above have been traversed and, as such, claims 14, 16-17, 35, 37-38, and 54, 56-57 are allowable.

2. As discussed above claim 14 was rejected under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872). Claim 14 has been amended to include subject matter drawn from canceled claim 15 that was rejected under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872) and further in view of Ellis (US 2007/0124763). In particular, amended claim 14 recites:

receiving at a user device a hot key signal from an interactive television provider's network, wherein the hot key signal comprises an Internet Protocol (IP) data packet, the Internet Protocol data packet having a header portion and a body portion, the body portion having a data field indicating a location for the additional content, the hot key signal related to an advertisement being viewed by a user of the user device as first full-screen video programming, the hot key signal indicating availability of additional content comprising an additional advertisement that is longer than the advertisement;

In setting forth the basis of the rejection, the Examiner looks to Ellis, FIG. 7 for disclosure relating to the composition of the hot key signal as an IP data packet having a header portion and a body portion, the body portion having a data field indicating a location for the additional content. Ellis describes FIG. 7 as follows:

[0027] FIG. 7 is a diagram showing how messages may have associated targeting criteria in accordance with the present invention.

And further,

[0069] An example of a targeted message is shown in FIG. 7.

FIG. 7 shows a message, and for instance, how it will be displayed. FIG. 7 does not show an IP data packet that carries the data contained in that message. FIG. 7 does not disclose how data packets will be constructed and does not show an IP data packet having a header portion and a body portion, the body portion having a data field indicating a location for the additional content. This deficiency in Ellis is not corrected by its combination with Kunkel and Maissel. For this reason, claim 14 and claims 16-17 that depend therefrom, are patentably distinct.

4. As discussed above claims 35 and 54 were also rejected under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872). Claims 35 and 54 have been amended to include subject matter drawn from canceled claims 16 and 55 that were rejected under 35 USC § 103 (a) as being unpatentable over Kunkel (US Patent No. 7,100,183) in view of Maissel (US 2003/0088872) and further in view of Ellis (US 2007/0124763). Claims 35 and 54 have been amended in a similar fashion to claim 14. For this reason, claims 35 and 54 and claims 37-38, and 56-57 that depend therefrom, are patentably distinct.

Conclusions

For the foregoing reasons, the applicant believes that claims 14, 16-17, 35, 37-38, and 54, 56-57 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT030074).

RESPECTFULLY SUBMITTED,

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